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IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

RAHINAH IBRAHIM,

Plaintiff,

No. C 06-00545 WHA

v.

DEPARTMENT OF HOMELAND
SECURITY, *et al.*,

Defendants.

**ORDER RE FEDERAL
NON-PARTIES' REQUEST
FOR CLARIFICATION**

This action challenges the placement of plaintiff's name on the "no-fly list." An order dated July 27, 2009, dismissed all federal government defendants, including the FBI, Department of Homeland Security, and Transportation Security Administration ("former federal defendants" or "non-parties") from this action (Dkt. No. 197). The parties and former federal defendants have since filed a series of motions and oppositions seeking to compel, disclose, or suppress certain disclosures, thereby creating a somewhat confusing mess of discovery disputes (*see* Dkt. Nos. 231, 245–47). Specifically, the San Francisco defendants filed a motion for order authorizing disclosure of information that the former federal defendants seek to keep confidential (Dkt. No. 238). On November 16, 2009, the former federal defendants filed an opposition to the motion for order authorizing disclosure (Dkt. No. 251), and an administrative motion to file under seal and *in camera* attachment A to former federal defendants' opposition to San Francisco defendants' motion to authorize disclosure (Dkt. No. 250). An order dated November 17, 2009, partially granted former federal defendant's administrative motion (Dkt. No. 255). Former

United States District Court

For the Northern District of California

1 federal defendants have now filed a request for clarification of the November 17 order (Dkt.
2 No. 257).

3 To clarify, the procedure will be as follows:

4 1. Former federal defendants may file under seal both the document
5 in question and a submission in support of the asserted privileges. Any and all
6 privileges that former federal defendants seek to claim as to this document must
7 be asserted in this submission. These documents must be filed no later than
8 **NOON ON FRIDAY, NOVEMBER 20, 2009.**

9 2. Former federal defendants must provide all of the parties a
10 synopsis of the facts and argument without revealing the critical items sought to
11 be suppressed but providing all other parties as much information as possible
12 therein to allow them to respond (again, without revealing the allegedly privileged
13 information). This synopsis must be filed no later than **NOON ON MONDAY,**
14 **NOVEMBER 23, 2009.**

15 3. All others may respond by no later than **NOON ON MONDAY,**
16 **NOVEMBER 30, 2009.**

17 4. As to San Francisco defendants' response to the federal
18 non-parties' administrative motion, there is no point in providing the actual
19 document to the San Francisco defendants unless the document can also be
20 shared with all other parties in this case. The synopsis should be sufficient to
21 allow San Francisco defendants' to reply to former federal defendants' opposition
22 to the motion requesting authorization to disclose information. San Francisco
23 defendants' reply must also be filed no later than **NOON ON MONDAY,**
24 **NOVEMBER 30, 2009.**

25 5. Due to this revised schedule, the hearing for all motions in this
26 discovery dispute is tentatively set for **MONDAY, DECEMBER 7, 2009, AT**
27 **2:00 P.M.**, but this matter may be decided on the papers instead.

28

1 6. To the extent that the Court overrules the privilege, then the Court
2 will stay the effectiveness of the order to allow a petition for writ of mandate.
3

4 **IT IS SO ORDERED.**

5
6 Dated: November 18, 2009.
7



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE